

ENTERED
12/13/11
PK

VIOLATION INVESTIGATION REPORT

REPORT SEQUENCE #

1

OFFENDER NAME	DOC NUMBER	CASE TYPE
Robert Huber	193205	<input type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole <input type="checkbox"/> E/S <input type="checkbox"/> Other

VIOLATION STATEMENT (Allegation Format)

1. At some point in time between 10/11/11 and 11/17/11, in Milwaukee, Robert Huber did access and possess sexually explicit material without prior agent approval. This behavior is in violation of rule #8 of the Standard Sex Offender Rules signed by Mr. Huber on 9/7/11.
2. At some point in time between 10/11/11 and 11/17/11, in Milwaukee, Robert Huber did access and use a computer without prior agent approval. This behavior is in violation of rule #14 of the Standard Sex Offender Rules signed by Mr. Huber on 9/7/11.
3. At some point in time between 10/11/11 and 11/17/11, in Milwaukee, Robert Huber did access and possess photographs and other pictures of persons who appear to be under the age of 18 years without prior agent approval. This behavior is in violation of rule #21 of the Standard Sex Offender Rules signed by Mr. Huber on 9/7/11.
4. At some point in time between 10/11/11 and 11/17/11, in Milwaukee, Robert Huber did access and possess photographs of his victim [REDACTED] without prior agent approval. This behavior is in violation of rule #1 of the Rules of Community Supervision and rule #21 of the Standard Sex Offender Rules signed by Mr. Huber on 9/7/11.
5. At some point in time between 10/11/11 and 11/17/11, in Milwaukee, Robert Huber did access and possess computer disks without prior agent approval. This behavior is in violation of rule #14 of the Standard Sex Offender Rules signed by Mr. Huber on 9/7/11.
6. At some point in time between 10/11/11 and 11/17/11, in Milwaukee, Robert Huber did possess, consume or use a controlled substance (marijuana). This behavior is in violation of rule #1 of the Rules of Community Supervision and rule #7 of the Standard Sex Offender Rules signed by Mr. Huber on 9/7/11.
7. On or about 11/17/11, in Milwaukee, Robert Huber failed to provide true and correct information verbally and in writing, in response to inquiries by the agent. This behavior is in violation of rule #15 of the Rules of Community Supervision signed by Mr. Huber on 9/7/11.
8. On or about 11/17/11, in Milwaukee, Robert Huber accessed and possessed a flash drive without prior agent approval. This behavior is in violation of rule #14 of the Standard Sex Offender Rules signed by Mr. Huber on 9/7/11.
9. On or about 11/17/11, in Milwaukee, Robert Huber rejected sex offender programming which is mandatory. This behavior is in violation of rule #3 of the Rules of Community Supervision and rule #4 of the Standard Sex Offender Rules signed by Mr. Huber on 9/7/11.
10. On or about 11/22/11, in Milwaukee, Robert Huber failed to provide true and correct information verbally and in writing, in response to inquiries by the agent. This behavior is in violation of rule #15 of the Rules of Community Supervision signed by Mr. Huber on 9/7/11.

DESCRIPTION (Substantiating details are to be brief chronological narrative)

During an office visit on 11/17/11, Mr. Huber was questioned as to whether or not he would sign his Sex Offender Programming rules and release without signing 'under duress'. Mr. Huber stated that he would need to place 'under duress' or some form of explanation with his name in order to protect his rights to challenge the Department of Corrections in regards to his rules and the Department's jurisdiction over him.

This agent went on to explain that it is the treatment provider's policy that the programming rules and release are strictly just signed and dated. Mr. Huber became argumentative and stated that the only way he would sign the forms without 'duress' is if the agent provides him with a letter stating that his rights are not waived by signing and that he can still challenge his supervision. This agent had Mr. Huber wait in the lobby while this agent staffed the situation with supervisor Kathy Walter. It was decided that Mr. Huber be placed in custody for non-compliance with sex offender programming.

During the search of Mr. Huber's person, Agent Friday found an unapproved flash drive in the front pocket of Mr. Huber's shirt. Mr. Huber was then escorted to the Milwaukee Secure Detention Facility(MSDF) by this agent and agent Friday. During transportation to MSDF, Mr. Huber was questioned about the flash drive and stated that he purchased the flash drive from another person at United Migrant Opportunity Services (UMOS) on 11/17/11 and that he didn't have any idea what was on the drive.

In accordance with WI Administrative Code 328.21 permission to search the flash drive was granted by Assistant Regional Chief Peg Kendrigan. The request was granted because of probable cause that Mr. Huber was not given permission

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to have more than one flash drive and a different, unapproved, flash drive was found on his person. The search was conducted by this agent and agent Friday. Upon searching the flash drive, it was found that there were numerous files of photos containing pictures of sexually explicit material, what appears to be Japanese explicit photos of females dressed in 'child-like' clothing, and internet based photos of young minor females in their underwear and dance uniforms-from 'Dance Moms'. Also found on the flash drive were personal photos of a young female, who appears to be 16-17 years old, modeling on a table in a dress/lingerie. Another file named, "jnl", were photos of another young female who looked to be about 16-17 years old modeling on a chair and in a bedroom with underwear and a top on. This file named "jnl" would appear to possibly be one of Mr. Huber's victim's in his sexual assault; one of the victim's names was [REDACTED]. One photo in this file caught this agent's attention as it was labeled, 'recent', and it appeared to be the same girl, but at an older age. Other documents on the flash drive were Mr. Huber's resume, job references, other files that could not be opened, personal photos of car drawings, and lyrics for songs. One song lyric titled "Dirty Little Girl" written by Mr. Huber appears to be in regards to having sexual relations with what appears to be a minor female. Mr. Huber also had personal photos of him playing in a band that appeared to be fairly dated. Some of the band photos also had Mr. Huber's victim, [REDACTED], in them.

Later in the same day, this agent proceeded to call Freddie Smith, the Transitional Living Coordinator, to let him know that Mr. Huber was in custody and he wouldn't be staying at the Transitional Living Placement (TLP) until further notice. Freddie made this agent aware that Mr. Huber's roommate made allegations that Mr. Huber had been smoking marijuana in the house. This agent contacted MSDF to have an urinalysis taken from Mr. Huber.

This agent proceeded to gain approval to search Mr. Huber's residence at his Transitional Living Placement located at [REDACTED]. In accordance with WI Administrative Code 328.21 permission to search was granted by Assistant Regional Chief Peg Kendrigan. The request was granted because of probable cause that Mr. Huber may have more sexually explicit material and other unapproved items due to the findings from his flash drive. The search was conducted by this agent and agent Sutton. Upon searching the residence, some internet print outs regarding minor females and dating sites were found. Among these were: Print outs from fashionista.com in regards to 'new French lingerie line for girls ages 4 through 12', print outs from buzzfeed.com in regards to 'Thylane Blondeau, the 10-year-old supermodel', print outs from tvline.com in regards to 'lifetime's Dance mom's', and print outs from the internet from 'Japanese Lifestyle' in regards to a dating site of recommended matches.

Also found in the residence were numerous forms of sexually explicit material. Among these were: Hustler: Barely Legal Pornography magazine, Hustler's Taboo Illustrated Pornography Magazine, Easy Rider's Swimsuit 2000 Calendar, copy of Shepard Express Newspaper: Contains Sexually Explicit Material, 15 Hand Sketched/colored drawings of sexually explicit pictures of what appears to be females under the age of 18 years, 'fit to be tied' pages from a magazine containing sexual explicit materials, cloth colored drawing of a woman with underwear showing signed by Mr. Huber, a framed colored drawing of a photo from the 'fit to be tied' magazine pages, and a traced drawing and paper sketch of a photo from the 'fit to be tied' magazine pages.

The offender also had a photo from a camera of a minor female. He also had camera negative's of the offender playing in his band. Some of the negatives of his band included negatives of his one victim ([REDACTED]) in the band.

Other items retrieved from the search for investigation were a cassette tape of ^s recorded music and a listing of song titles, CD-RW with ^s last name, 'bullet' flash light key chain, notebook of offender's writing of what appears to be from a bible or religious writings, and 2 folders containing papers of music lyrics, religious writings, and pages on verbs and translations. This agent reviewed the CD-RW and found it to be the offender's resume and job information. After researching the notebook and folders, they were found to have items that would not be seen as violations.

This agent then obtained a statement from Mr. Huber at MSDF on 11/22/11. Mr. Huber stated that he never told this agent he wouldn't sign the sex offender programming documents but that he was just wondering what would cover him legally. He stated that he would sign the documents and attend sex offender programming 'Because of the fact that he has to jump through all of this agents hoops and follow his rules of supervision'. He stated that he wants to attend sex offender programming in order to stay out of custody.

Mr. Huber stated that he received his unapproved flash drive on 11/17/11 from a man named 'Chicago' he met at UMOS. Mr. Huber states that he was concerned with the already approved flash drive he had because it was pink in color. Mr. Huber stated that 'Chicago' offered to sell him a black flash drive for \$12.00. Mr. Huber stated that on 11/14/11, he gave 'Chicago' two disks that contained items Mr. Huber was not sure of as well as old band photos. Mr. Huber stated that perhaps there was photos of girls who modeled for him for art work, but that they were all over 18 years of age. When 'Chicago' asked if there was anything more Mr. Huber wanted to put on the disks, he said no and stated that he explained his supervision situation with 'Chicago' and made it clear to him that he could not have anything on the flash drive in regards to sex or drugs because he needed to show it to this agent from time to time.

On 11/17/11, Mr. Huber states that he met 'Chicago' and paid him \$6.50 and two bus tickets as collateral until he could pay the rest. Mr. Huber states that he doesn't know what is on the flash drive because he hadn't had an opportunity to look at it. Mr. Huber did admit, however that he knew there were photos of his one victim, [REDACTED], on the disks that were put on the drive. Mr. Huber stated that the photos of her where when she was in his band and of photos she modeled for in order to

do a self portrait. Mr. Huber states that he does not feel the photos on the drive of his victim are sexually explicit even though they are of her in a shirt and underwear. He also stated that the photos of the other female where of his friend [REDACTED] who was, at the time, over the age of 18.

Mr. Huber states that he didn't ask this agent for permission for the flash drive because he 'assumed he could switch them' on his own. He didn't have a discussion with this agent about the flash drive on 11/17/11 during his office visit because he didn't have a chance to look at it yet.

In regards to the pornography magazines found at Mr. Huber's residence, he states that they are not his and that he didn't even know they were located in the box of his guitar magazines. Mr. Huber admits that the box of magazines was his, however that he didn't get a chance to look in the box since his prison release. When asked about the photo of what appears to be a young female found on the floor of his bedroom, Mr. Huber states that he doesn't know who is in the photo.

When Mr. Huber was asked about accessing a computer without prior agent approval, Mr. Huber stated that he 'tried' to use his mother's computer at her home in West Allis, but since it crashes and freezes up, he didn't use it.

Mr. Huber was also questioned on the hand drawn anime drawings of what appears to be females under the age of 18 years. Mr. Huber did admit that they were his drawings that he had done, however did not, again, think that the drawings were sexually explicit in nature. He also stated that he does not feel that any of his music lyrics written were of a sexually explicit nature.

Mr. Huber was questioned on whether or not he had been using any drugs or alcohol. He stated no and that he would not have used any drugs or alcohol because he has to remain 'clean' due to the amount of jobs he was applying for and the drug tests that he would have to be taking. He stated that he had not used drugs since he's been released from prison. On 12/7/11, this agent was made aware that indeed Mr. Huber's urinalysis proved positive for marijuana use.

When Mr. Huber was asked what he thought should happen as a result of the noted violations, he stated that he would need more rules that outlined in 'more stricter' terms, what is and is not allowable. He stated, 'I'm sorry about the misunderstanding and regret violating the rules even though there was no intent to violate the rules.'

EVIDENCE

THE FOLLOWING DOCUMENTS ARE ATTACHED:

☐ Police Report / Agency

Report Number

Report Date

☒ Offender Statement(s)

Date Obtained 11/22/11

☐ Victim Statement(s)

Date Obtained

☐ Witness Statement(s)

Date Obtained

☐ Physical Evidence

☒ Other Urinalysis Results

SUMMARY OF:

☒ Offender Verbal Statement

Date Obtained 11/22/11

This agent obtained Mr. Huber's statement at the Milwaukee Secure Detention Facility. He stated the following: 'I was wanting to sign the sex offender paperwork but I just wanted to know what would cover me legally. I was told I could have a flash drive, so when I was at UMOS, this guy offered to put my resume on his flash drive for me. When I was told I could get a flash drive, I borrowed a pink flash drive from my sister. I was concerned that the one I borrowed from her was pink. I was talking to the guy at UMOS. Guy at UMOS told me he could sell me his flash drive, a black one, for \$12.00. I said, cool, it will have more storage on it. I agreed to meet the guy at UMOS on Monday, 11/14/11. I gave the guy 2 disks. On the disks was band photos and other things I'm not sure. Possibly some photos of girls who modeled for me for art work. Any girls who have modeled for me have been 18 or older. Guy asked if there was anything else I wanted to put on flash drive for me and I told him no. I explained my situation to him, so he knows what I'm on parole for. I told him not to put anything on there about sex or drugs because I needed to show it to my agent from time to time. On Thursday, 11/17/11, I met with guy and he gave me the flash drive. I gave him \$6.50 and two bus tickets as collateral until I could pay him the rest. Those band photos were from my disks and yes my victim [REDACTED] was in them. There is nothing in my rules that says I can't have old band photos. I didn't even know what photos there were on those disks. I don't think those photos of my victim are sexually explicit. [REDACTED] asked me to take photos of her because she wanted to do a self portrait. The other photos of a girl are of my friend [REDACTED] who was over the age of 18 at the time. I didn't know those photos were even on those disks. Those porn magazines aren't mine, my brother had my property. I just brought that box over to my house. If I would have known what was on the flash drive. I didn't ask for permission for the 2nd flash drive because I assumed I could switch them. I didn't have a discussion with my agent about me not being able to have another flash drive. I have used the computer at my mom's house a few weeks ago. Technically, I didn't use it, I tried to use it. It crashes and freezes up. My drug test I took at MSDF should be clean. I have a lot of jobs I'm applying for and need to be clean. I haven't used any drugs since I've

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been out of prison except for cold medicine when I was sick. These drawings of anime girls to me are not sexually explicit material. That box with pornography and guitar magazines was mine but I didn't get a change to go through the box yet. If I would have found them, I would have destroyed them and reported it. I have no clue who the picture of the little girl is that was found in my room. I didn't do the right thing, this truly an mis-understanding. Because of the fact that I have to through all your hoops and follow my rules of supervision, I want to go to sex offender treatment. I want to go because I have to in order to stay out of custody. I'm sorry about the misunderstanding and regret violating the rules even though there was no intent to violate the rules. My supervision now is a lot more restrictive than it was back then. It is going to take me more time to adjust to these more stricter terms. I got to be more diligent on checking with my agent about situations that may arise, and what is and what is not allowable.'

☐ Victim/Witness Verbal Statement

Date Obtained _____

DISPOSITION

DATE SUPERVISOR CONFERENCE/CASE REVIEW		NAME OF AGENT PRESENT		NAME OF SUPERVISOR PRESENT	
11/22/11		Niomi Bock		Kathy Walter	
FUNCTIONAL OBJECTIVE	RELEVANT CASE FACTORS	NECESSARY RESPONSE INTENSITY	AVAILABLE DISPOSITION OPTIONS		
Control the Offender (protect the public)	Mr. Huber has increased his risk to re-offend to an unacceptable level at this time. He continues to have photos of his victim from his sexual assault convictions, accesses and possess multiple types of sexually explicit materials, writes sexually focused music lyrics, uses marijuana, and rejects sex offender programming and supervision as a whole. Mr. Huber also demonstrates with his current behaviors that his attitude is poor and that he rejects general compliance with supervision. In order to protect the public, it is necessary to confine Mr. Huber.	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input checked="" type="checkbox"/> High	-Revocation -ATR		
Correct the Behavior (treatment in a confined setting)	Mr. Huber rejected sex offender treatment before even beginning any portion of programming. Only after being confronted with violations and being placed in custody did Mr. Huber agree to sign his sex offender programming rules/consent documents. Due to the fact that Mr. Huber is viewed by the Department as high-risk to re-offend, further sex offender treatment can most effectively be provided if he is confined. Mr. Huber also had a positive urinalysis for marijuana. His AODA issues could also be adressed in a confined setting.	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input checked="" type="checkbox"/> High	-Revocation -ATR		
Hold the Offender to Account (not depreciate the seriousness of the violation)	Mr. Huber has been involved in the criminal justice system continuously since 7/26/88. He was also convicted in 1986 as a juvenile for 1 st degree sexual assault with a 5 year old victim. The current violations are vast in number and extremely serious in nature. He has rejected the one program that could help reduce his risk	<input type="checkbox"/> Low <input type="checkbox"/> Medium <input checked="" type="checkbox"/> High	-Revocation -ATR		

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	in the community and has been conducting himself as if he is not on supervision. As not to depreciate the seriousness of the violations, confinement is necessary.		
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RECOMMENDED DISPOSITION

Revocation of Mr. Huber's supervision.

DATE AMENDED DOC-10 WAS SIGNED (Refer to document)

9/7/11

CUSTODY DATES

11/17/11

to Present

AGENT'S SIGNATURE	AGENT #	DATE SIGNED	SUPERVISOR SIGNATURE	DATE SIGNED
<i>T. James Beck</i>	30909	12/7/11	<i>Kathy Walter</i>	DEC 09 2011

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